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Customer No.: 31561  
Application No.: 10/711,511  
Docket No.: 13040-US-PA

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Wu et al.  
Application No. : 10/711,511  
Filed : September 23, 2004  
Title : METHOD OF MANUFACTURING NON-VOLATILE  
MEMORY CELL  
Examiner : Tsai, H. Jey  
Docket No. : 13040-US-PA

TERMINAL DISCLAIMER TO OBVIATE A  
DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

The owner, **Powerchip Semiconductor Corp.**, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of *prior US Patent No. 6,635,533, filed on March 27, 2003*. The owner hereby agrees that any patent so granted on the instant application shall be enforced only for and during such period that it and the *prior patent* are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 TO 156 and 173 of the *prior patent*, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

1. [ ] For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

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I hereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. [X] The undersigned is an attorney or agent of record.
3. [X] The Commissioner is authorized to charge the terminal disclaimer fee in the amount of \$ 130 under 37 CFR 1.20(d) or any fees required in connection with the filing of this paper to deposit account No. 50-2620 (Order No. 10073-US-PA).

Date :

Dec. 15, 2005

Belinda Lee

Belinda Lee

Registration No.: 46,863

Jianq Chyun Intellectual Property Office  
7<sup>th</sup> Floor-1, No. 100  
Roosevelt Road, Section 2  
Taipei, 100  
Taiwan  
Tel: 011-886-2-2369-2800  
Fax: 011-886-2-2369-7233  
Email: [belinda@jciigroup.com.tw](mailto:belinda@jciigroup.com.tw)  
[Usa@jciigroup.com.tw](mailto:Usa@jciigroup.com.tw)